

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 2 P. M. on Saturday
the 13th September 1902.
28th Chingom 1078.

PRESENT.

M. R. Ry. Dewan Bahadur K. Krishnaswamy Rao Avergal,

C. I. E., F. M. U.,

Dewan *Presiding.*

M. R. Ry. T. Kunhiraman Nair Avergal.

M. R. Ry. V. Nagam Aiyar Avergal, B. A., F. R. H. S.

M. R. Ry. T. Rajaram Row Avergal, B. A.

M. R. Ry. V. I. Kesava Pillai Avergal, M. A.

Mr. H. S. Ferguson.

M. R. Ry. S. Dharmaraja Iyer Avergal.

Mr. K. K. Kuruvila, B. C. E.

CIVIL PROCEDURE CODE AMENDMENT BILL.

Section 218.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as para 2 of this section :

“Nothing in this section shall be deemed to preclude a court which passed a decree in the exercise of one jurisdiction from executing such decree in the exercise of another jurisdiction, notwithstanding that no proceeding or order for transferring such decree has been recorded.”

This amendment is intended to empower the courts exercising small cause jurisdiction to execute their decrees in the exercise of their regular jurisdiction without a formal transfer of the decree from one jurisdiction to another. Such a power is necessary. Formal orders of transfer serve no useful purpose when the two sets of jurisdiction are exercised by the same court.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 260.

Mr. Kunhiraman Nair.—I beg to propose that the following 6 paras be added to this section :

"Possession of a joint and undivided share in immovable property shall be delivered by affixing a copy of the warrant on some conspicuous place on the property and proclaiming, by beat of drum or other customary mode, the substance of the decree.

"Where possession of any building or enclosure is to be delivered and the person in possession, being bound by the decree, does not afford free access, the court through its officers may, after giving reasonable warning and facility to any woman not appearing in public according to the customs of the country to withdraw, remove any lock or break open any door or do any other act necessary for putting the decree-holder in possession.

"Where there is on or in the immovable property, any movable property (other than a growing crop belonging to the judgment-debtor) unaffected by the decree and the owner does not remove it after he has been warned and had every reasonable facility for removing it, the court, through its officers, shall take possession thereof. Such movable property shall be kept or, if of a perishable nature, sold by such officer as may be appointed under the rules made by the High Court in this behalf, and it or its proceeds, as the case may be, shall, subject to the charges incurred in its removal, custody, management and sale, be delivered to such person as may apply to the court within the period of sixty days and establish his claim thereto. If no claimant appears within sixty days, such movable property or the proceeds thereof shall be treated in accordance with the law for the time being in force relating to the disposal of unclaimed property.

"On the application of the decree-holder, a notice may be issued to the judgment-debtor, requiring him to refrain from sowing the land and, within a time to be fixed by the notice, to remove any growing crop standing on it, or to show cause to the contrary. If the judgment-debtor fails to show cause to the satisfaction of the court, the decree-holder shall be entitled to the possession of the land with any growing crop thereon, but the judgment-debtor may be awarded such compensation for the crop as the court executing the decree may determine. If the crop has been cut, but has not been removed within the time fixed as aforesaid, the court, through its officers, may cause it to be removed and, if the judgment-debtor refuses to take it, may sell it by auction and keep the sale-proceeds as money deposited by the judgment-debtor till it is claimed by and delivered to the person entitled to the same.

"Where the judgment-debtor, during the pendency of a suit or after the passing of a decree against him for the possession of immovable property, makes erections thereon and does not remove them within a time to be fixed by the court, the decree-holder shall be put in possession of the immovable property with the erections made thereon and the judgment-debtor shall be precluded from seeking compensation in respect of such erections.

"Every order made under this section may be enforced by the court executing the decree as though it formed part of the decree; and no separate suit shall lie for any relief which might have been granted by such court under this section."

Some difficulties are encountered in practice with regard to the delivery in execution of a decree of joint and undivided shares in immovable property and giving actual possession of any building or enclosure in execution of decrees of courts. Judgment-debtors often put obstacles by absenting themselves, with the buildings locked up, and no power of entering by forcing open the doors is expressly given by the law, though, in practice, such things are done. The provisions embodied in this amendment legalise the present practice and seem very necessary for facilitating the execution of decrees in regard to immovable property.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 265.

Mr. Kunhiraman Nair.—I beg to propose that the following paras be added to the section :

"A. When the property attached consists of a debt due to the judgment-debtor by a third person, the court may, either before or after any oral examination of the judgment-debtor, order that such debt owing or accruing from such third person (hereinafter called the 'garnishee') to such judgment-debtor, be made available to satisfy the decree; and by the same or any subsequent order, it may issue a notice to the garnishee to show cause why he should not pay to the holder of such decree the debt due from him to such judgment-debtor or so much thereof as may be sufficient to satisfy the decree.

"B. Where the garnishee does not forthwith pay into court the amount due from him to the judgment-debtor, or an amount sufficient to satisfy the decree and does not dispute the debt due or claimed to be due from him to such judgment-debtor, or where he does not show cause why he should not pay to the holder of the decree the debt due from him to the judgment-debtor or so much as may be sufficient to satisfy the decree, the court may order execution to issue against his person and property, and it may issue accordingly, without any previous notice, to levy the amount due from such garnishee or so much thereof as may be sufficient to satisfy the decree:

"Provided, first, that nothing in this section shall be deemed to authorise the court to attach as a debt any claim in respect of which the courts of Travancore have no jurisdiction, but the absence from Travancore of the garnishee at the time of the application for attachment shall not, in itself, render a debt not liable to attachment.

"Provided, secondly, that for the purposes of attachment under this section, it shall not be necessary that the exact amount of the debt should be stated; but it shall be the duty of the court in all cases to satisfy itself that the debt is due: and

"Provided, thirdly, that nothing in this section shall be deemed to preclude the judgment-debtor from instituting or prosecuting any suit or from executing any decree or from taking any other step necessary for the recovery of the debt; but he shall not receive payment without first satisfying the claim in respect of which the debt is attached.

"C. (i) Where the garnishee disputes his liability, the court, instead of ordering execution to issue, may proceed in the manner prescribed by section 275.

(ii) Where in proceedings to obtain an attachment of debts, it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that some third person has a lien or charge upon it, the court may order such third person to appear and state the nature and particulars of his claim upon such debt.

(iii) After hearing the objections (if any) of any such third person, and of any other person whom by the same or any subsequent order the court may order to appear, or in case of such third person not appearing when ordered, the court may order execution to issue to levy the amount due from such garnishee, or may proceed in the manner hereinafter prescribed by section 275, or may make such other order, as it thinks fit, upon such terms, in all cases, with respect to the lien or charge (if any) of such third person and to costs, as it thinks just and reasonable."

These clauses are adaptations of the summary procedure contained in Order XLV of the Supreme Court of England on the subject of attachment of debts. The existing provisions of the Code, which require debts attached in execution of a decree to be sold in public auction, are known to entail great loss on the judgment-debtor. Sales of debts by the courts do not fetch proper value of the debts. It is only persons litigiously inclined that would come forward to purchase the right to recover a debt by means of a fresh suit, and the bidders, in consideration of the risk they run and the expense and trouble involved in bringing a fresh suit, generally offer a very low price for the privilege of realising the debt. The amendment, if adopted, would do away with the necessity of selling debts and enable the court to realise the debts without inflicting any undue hardship on the parties concerned. The first proviso to clause (B) will remove the doubts as to whether the debts enforceable only by foreign courts can be attached and whether the mere absence of the party owing the money from Travancore would operate as an ouster of jurisdiction. The second

proviso will relieve the decree-holder of the necessity for specifying the exact amount of the debt which it is often impossible for him to ascertain; and the third proviso is intended to permit judgment-debtors themselves to take steps for the recovery of the attached debts subject to the provision that he is not to receive payment without satisfying the claim in respect of which the attachment was made. Unless such permission is given, there is the danger of claims attached being barred by lapse of time, and the judgment-creditors do not lose anything by the grant of such permission. Clause C (i to iii) provides for the enquiry into objections or claims to debts attached in satisfaction of a decree.

Seconded by Mr. Dharmaraja Iyer.

Mr. Kesava Pillai.—I think there is one objection to this amendment. It will have the effect of extending the suit, as it were, for an indefinite period, I mean, the proceedings in execution. It should be our endeavour to minimise delay in such proceedings.

Mr. Kunhiraman Nair.—I wish to say a word in this connection to make the object of the amendment quite clear. Court sales of debts are generally considered to be ruinous to debtors. Debts secured by decree are, by the present code, allowed to be recovered by the decree-holders in execution but debts not secured by decree have to be put up in auction after attachment.

In practice, however, the decree-holder himself purchases the right of action for a small value and then proceeds against the debtor by a suit. Oftentimes it happens that a friend of the decree-holder colludes with him to purchase the right to recover for a low price and the result is that the judgment-debtor is deprived of the full benefit of the debt which he could have recovered by a suit. Under the old Civil Procedure Code, debts secured by a decree had to be sold before they could be recovered by the decree-holder; but such sales were found to be ruinous and were put a stop to by the present code which authorises the decree-holder to step into the shoes of his judgment-debtor and execute the latter's decree. There is no reason why this principle should not be extended to debts not secured by decree, especially where the debt is undisputed. Before bringing in the amendment now under consideration, I consulted several gentlemen acquainted with the subject and they all agreed that it is a salutary provision. It is an improvement on the present law and would, if carried, produce a wholesome effect.

President.—The evils which my learned friend, Mr. Kunhiraman Nair, has pointed out, do exist and it is highly desirable to mitigate them, if they could not be wholly removed. As regards the garnishee who is willing and able to pay the debt due from him, there is no difficulty whatever, for he may pay the same into the court in pursuance of the notice of attachment served on him. In the case of other garnishees, I very much doubt whether the proposals made by my friend will be workable and be an improvement on the existing law. When the alleged garnishee disputes the debt said to be due from him and the court executing the decree finds against him, it is only by a regular suit that he can get the order passed against him set aside. This would mean that he must institute a regular suit at his cost and undertake to prove a negative. If he happens to fail in the suit, he will try his best to evade payment. By far the large majority of garnishees will be Hindus governed either by the Mitakshara or Marumakkathayam Law. I need hardly recount to you the multifarious objections that would be taken to the attachment of the joint or tarwad property by co-parceners or anandravars. Even in cases where the garnishee may admit the debt, his co-parceners or anandravars may throw difficulties in the way of the execution of the summary order. Whether a debt is binding on the family property or not can be satisfactorily and finally decided only in a suit to which not only the garnishee but also his co-parceners or anandravars are parties. I am inclined to think that the summary procedure proposed by my friend will not secure the object aimed at. What I would propose, in its place, for the consideration of the Council is that the judgment-creditor be empowered to sue the garnishee and his co-parceners or anandravars (if necessary) to recover the debt on account of his judgment-debtor. This will enable him to realize the debt and remove the evils which are incidental to the sale of debts. I would suggest that a clause like the following be added to section 265 of the Code:

"When the property attached consists of a debt due to the judgment-debtor by a third person, the court executing the decree may, on the application of the judgment-creditor, after hearing the judgment-debtor, instead of proceeding to sell the debt, authorise him to sue for such debt on such terms as the court may fix. The judgment-creditor shall be bound to maintain the suit at his own risk and cost, and to pay towards the satisfaction of his decree the sums realised after deducting the cost of the litigation, and the balance, if any, into court, to the credit of his judgment-debtor."

After some further discussion, Mr. Kunhiraman Nair agreed to the course suggested and proposed that the above clause be substituted for the 3 paras included in the original amendment.

Seconded by Mr. Kesava Pillai.

Carried.

Section 266.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 266 A:

"(1) Where the property to be attached is a growing crop, the attachment shall be made by actual seizure, and the court shall make such arrangements for the custody of the crop as it may deem sufficient and, for the purpose of enabling the court to make such arrangements, every application for the attachment of a growing crop shall specify the time at which it is likely to be cut or gathered.

(2) Subject to such conditions as may be imposed by the court in this behalf either in the order of attachment or in any subsequent order, the judgment-debtor may tend, cut, gather and store the crop and do any other acts necessary for maturing or preserving it; and, if the judgment-debtor fails to do all or any of such acts, the decree-holder may, subject to the like conditions, do all or any of them either by himself or by any person appointed by him in this behalf.

(3) Property attached as a growing crop shall not be deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.

(4) Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be cut or gathered, the court may suspend the execution of the order for such time as it thinks fit, and may, in its discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment."

The importance of regulating the mode of attachment of standing crops in execution of decrees for money in a country essentially agricultural cannot be exaggerated. The special provision on the subject seems to be necessary in order to avoid the loss which, there is reason to believe, is sometimes incurred by the owner of the crops under the present indefinite mode. In order to secure to both debtor and creditor the full value from the property attached, the crop must be allowed to mature in the usual course of husbandry and actual seizure must, therefore, take the shape of such arrangements for custody as the court may deem sufficient, having regard to the variety of local conditions of tillage and the nature of the products affected. The judgment-debtor must even after the attachment be allowed to continue to perform all acts of husbandry and if he endeavours to defeat the attachment, as is sometimes the case, by neglecting the crop, the decree-holder must be authorised to intervene and protect his interests. A discretion to suspend the issue of the process for attachment when the period of maturity is distant is also proposed to be given to the courts, on the analogy of the provisions in sections 123 and 124 of the Bengal Tenancy Act of 1855.

Seconded by Mr. Kuruvila.

Carried.

Section 270.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as para 5 of this section:

"The holder of a decree sought to be executed by the attachment of another decree, shall, for the purpose of section 238, clause (b), be deemed to be the representative of the holder of the attached decree and to be entitled to execute such decree in any manner lawful for such holder."

This para is intended to enact that a person attaching a decree is the representative of the decree-holder within the meaning of section 238 and is, in every case, entitled to enforce the execution of the attached decree and to claim the benefit of an enquiry under that section.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section XXV of the Bill.

(Section 272 of the Code).

Mr. Rajaram Row.—With the permission of the President, I beg to propose an amendment in this section. Section 272 clause (2) of the code, which applies to the attachment of movable as well as immovable property, allows a period of three years as the maximum period for keeping the attachment in force before bringing the property to sale. The Select Committee have by their amendment reduced this period to three months in the case of movable property, while retaining the three years in the case of immovable property. I think "three months" is too short a period, and would propose that "six months" be substituted for "three months" in section XXV of the Amended Bill.

Seconded by Mr. Kesava Pillai.

Mr. Kunhiraman Nair.—It was after mature consideration that the Select Committee proposed the amendment in section 272. There may be perishable articles under attachment and in such cases it is necessary to minimise the delay on the part of the attaching creditor in bringing the property to sale. Under the rules passed by the High Court before the present code came into force, provision was made for the disposal of such articles within five days but doubts have occurred as to the legality of those rules under the existing law. The matter has been under correspondence between the High Court and the Government during the past five years. The period of three months fixed by the Select Committee in respect of movable property under attachment cannot, I think, cause any real hardship.

After some discussion, Mr. Rajaram Row's amendment was carried by majority.

Section 308.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as para 3 of this section:

"Where immovable property has been sold under this Chapter by separate lots in execution of a decree, an application with regard to one or more of such lots may be made under this section."

Where separate lots are sold in execution of decrees there is no reason for refusing liberty to apply to set aside the sale of one lot without applying for the setting aside of the whole sale. The amendment makes provision for this.

Seconded by Mr. Kuruvila.

Carried.

Section 325.

Mr. Rajaram Row.—With the permission of the President, I beg to propose that the words "in the civil jail of the district in which the court ordering the imprisonment is situate or when such jail does not afford suitable accommodation" in lines 3 to 5, and the word "other" between "any" and "place" in line 5, of this section be omitted. As the section now stands, civil debtors cannot be kept in any jail outside the district in which the court ordering the imprisonment is situate, except on the ground of want of accommodation. In times of epidemic, it is found necessary to remove civil debtors from one jail to another, but as the law now

stands, it is not possible. Government have felt this difficulty and the amendment now proposed is at the suggestion of the President and in the interests of administrative convenience.

Seconded by Mr. Kunhiraman Nair.

President.—Government have often felt the necessity for amending section 325 as now proposed. The question of abolishing the civil jails attached to District Courts has been under consideration for some years past, but the restriction contained in the section as it now stands is an impediment in the way. In Quilon, where there was a civil jail in addition to the District Jail, the former has been already abolished and civil debtors are now detained in the District Jail. We are obliged to retain the jails at Parur and Nagercoil for the exclusive use of the civil debtors. Civil debtors of Parur may be sent to Alleppey and of Nagercoil to Trivandrum. On financial and administrative grounds, it is desirable to abolish these jails also, and to enable this being done, it is necessary to amend the law.

The amendment was carried *nem con.*

Section 352.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 352A:

“Notwithstanding anything contained in the foregoing provisions of this Chapter, no judgment, decree or proceeding subsequent to judgment or decree shall be invalid, merely because such judgment was delivered, or such decree was passed, or such proceeding was taken, by the Court in ignorance of the death of any party.

Provided that the case had been fully heard during the life time of such party.

Provided further that such ignorance was not produced by an act of bad faith or by gross negligence on the part of the person claiming the benefit of such judgment, decree or proceeding, or on the part of the predecessor in interest of any such person.”

The legal effect of proceedings taken in ignorance of the death of a party is somewhat unsettled. There are conflicting rulings on the point. It is proposed to lay down that the mere circumstance of a death among the parties not concealed from the court by bare-faced or gross negligence does not invalidate judicial action, in cases where the full hearing was over during the life time of the party.

Seconded by Mr. Kuruvila.

Carried.

Section 371.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 371 A:

“Any court may, if it thinks fit, view any place connected with the trial of any part of a suit before it, or hold the trial at such place, and may bring upon the record of the suit as evidence a memorandum of any facts observed by it at such place, and neither the so viewing a place nor the so holding a trial nor the so bringing a memorandum on the record shall entitle any person to call the judge as a witness or to cross-examine him upon the facts so observed”.

It is sometimes thought that a judge making a local inspection of the disputed place and noting down facts is liable to be examined as a witness and it is very desirable that the fullest liberty of conducting a local investigation should be given to the judge without turning him into a witness in the suit. There are cases, especially cases of disputed boundary, capable of being settled only by observation. It is also sometimes found necessary to hold a trial at the spot and continue it there, in the presence of the parties. The new section is accordingly added.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 381.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as para 5 of this section:

“Nothing in this section shall be deemed to preclude the courts from returning a report to a Commissioner for the correction of any error appearing therein.”

It has been doubted in some quarters if the courts have the power of returning a commissioner's report for the correction of any mistake or error appearing in the report, and the amendment is proposed to remove all doubts.

Seconded by Mr. Rajaram Row.

Carried.

Section 467.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as a proviso to this section:

“Provided that where an attachment before judgment has been removed by dismissal of the suit and such dismissal is set aside, the attachment shall be deemed to be restored.”

At present an attachment before judgment, even though never formally withdrawn, has been held to terminate by dismissal of the suit and not to be revived by an appellate order setting aside the dismissal. It is only fair that the setting aside of the order of dismissal by an appellate court should revive the attachment.

Seconded by Mr. Kuruvila.

Carried.

*Section 557.**(Section XLIII of the Bill.)*

Mr. Kunhiraman Nair.—I beg to propose that the following clauses be added as clauses (30), (31) and (32) of section 557:

“(30). Orders under section 131 dismissing a suit for failure to comply with an order under Chapter X.

(31). Orders under section 290.

(32). Orders under section 366 dismissing a suit for failure of plaintiff to furnish security.”

The orders specified in these clauses are as important as the other orders made appealable by section 557, and there is no reason why these orders also should not be made appealable.

Seconded by Mr. Rajaram Row.

Carried.

Section XLVIII of the Bill.

Mr. Rajaram Row.—I beg to propose that the words “on the report of a medical officer not inferior in rank to an Assistant Surgeon.” be added after “therefrom” in line 3, and the words “with Our sanction” omitted in clause (a), of sub-section (3).

The release contemplated by this sub-section would naturally be based upon the report of a competent medical officer. It is desirable to make this condition explicit and applicable to the cases falling under both the clauses (a) and (b). As the power of ordering release under clause (b) is vested in the committing court, which would include a Munsiff's court, the words “with Our sanction” in clause (a) seem hardly necessary.

Seconded by Mr. Kunhiraman Nair.

Carried.

Mr. Rajaram Row.—There have been so many important amendments passed at this meeting that I think it is desirable to allow the public some more time to

study the Code with these amendments. With the permission of the President, I beg to move that the Bill as now revised by the Council be published in the Gazette and be again considered at the next meeting.

The motion was put and agreed to.

HINDU RELIGIOUS ENDOWMENTS BILL.

A petition having been received the previous day from the following Numboories, praying to be heard at the meeting of the Council in support of their petitions on this Bill before it is taken up for consideration, the Council granted the permission, and heard Neelacantan Narayanan Numboori of Amanakara Ilom who spoke on behalf of the others.

1. Neelacantan Narayanan Numboori of Amanakara Ilom, Ramapuroom.
2. Narayanan Damodaran Numboori of Muriathumalamel, Kidangoor.
3. Thuppan Narayanan Numboori of Maduranchira, Kidangoor.
4. Srikumaran Chennan Numboori of Kongopalli.
5. Krishnan Subramonian Numboori of Palur, Perunna.
6. Thryambakan Numboori of Mannoor, Amayannoor.
7. Sankaran Narayanan Numboori of Elayidom, Kumaranelloor.
8. Sankaran Narayanan Numboori of Choorakad.

The President informed them that their representations would receive the careful consideration of the Council, and the petitioners then withdrew.

Mr. Nagam Aiya.—At the last meeting of the Council I explained in detail the reasons which weighed with the Select Committee in amending the Bill in the way we have done. Before proceeding to the consideration of the Select Committee's Report, I wish, Sir, with your permission to remove the impression in the minds of some of the petitioners that the Select Committee have exceeded the powers granted to them by the Council meeting held on the 29th Dhanu 1076. I would inform the public that the Select Committee composed of so sound a lawyer as Mr. Justice Kunhiraman Nair and the late talented Chief Secretary, Mr. Thanu Pillai, came to the unanimous conclusion with myself, after a very considerable deliberation and discussion, that the Bill would be a very imperfect one, if we did not put in Section 4, clause II, so necessary for the welfare of a large class of valuable religious endowments in Travancore. The Council will notice how much these two learned friends of mine should have felt this desirability, even after the strong remarks they made on clause (a) of section 5 of the original Bill, to have so unanimously adopted the present revised Bill. I, therefore, propose that the Council will affirm the action of the Select Committee.

Mr. Kunhiraman Nair.—As a member of the Select Committee, and I regret to have to say, the only surviving member of the Committee besides the learned Member in charge of the Bill, I may be permitted to make a few observations on the revised Bill now under consideration, before the present motion is put to the vote.

The Bill, as originally framed, met with a strong opposition at the hands of several gentlemen, in and outside the Council, whose opinions were entitled to respect, but the opposition was directed rather to details than to the cardinal principles of the measure and the Council after vetoing the proposal for assumption by Government of the management of religious institutions except those specified in clauses (b) to (d) of section 5, the number of which is very limited, referred the Bill to the Select Committee, with power to modify the Bill in any manner it may deem necessary, and the Dewan-President further observed that the "Committee will undoubtedly eliminate from the Bill all that may appear to operate harshly against the parties interested, and introduce safeguards for the proper working of the law in the best interests of the religious institutions." I allude to the past Proceedings of the Council simply to dispel the idea, which appears to lurk in some quarters, that the Select Committee exceeded its powers in making recommendations in respect of endowments covered by the clauses (b) to (d) of the original section 5, and I need hardly say that the idea is wholly incorrect. The whole Bill was referred to the Committee, subject, however, to the resolution vetoing the proposal above noted, and